

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

WILLIAM L. MCVEIGH,

Plaintiff,

v.

CLIMATE CHANGERS INC., JW
BROWER HEATING AND AIR
CONDITIONING; and
INTERNATIONAL ASSOCIATION OF
SHEET METAL, AIR, RAIL, AND
TRANSPORTATION WORKERS,
LOCAL 66,

Defendants.

CASE NO. C16-5174 RJB

ORDER ON DEFENDANT LOCAL
66'S MOTION FOR
RECONSIDERATION

This matter comes before the Court on Defendant International Association of Sheet, Metal Air, Rail, and Transportation Workers Local 66's ("Local 66") Motion to Reconsider the Court's May 26, 2016 Order Granting Plaintiff's Motion to Disqualify. Dkt. 32. The Court has considered the motion and the remainder of the file herein.

On March 4, 2016, Plaintiff filed a civil action, alleging claims against his former employer and a labor union "pursuant to Section 301 of the Labor Management Relations Act

1 and 29 U.S.C. § 185.” Dkt. 1-1. Plaintiff asserts that there was “no just cause” for his
2 termination for “misconduct” or “sexual harassment.” *Id.* He alleges he was not fully paid for all
3 the hours he worked. *Id.* Plaintiff maintains that Local 66 “did not preform [sic] their duty of fair
4 representation.” *Id.*, at 8. Plaintiff seeks damages, attorneys’ fees, and to “have JW Brower
5 recind [sic] all allegations make about me.” *Id.*

6 On May 3, 2016, Plaintiff filed a motion to disqualify Bradley Medlin, Daniel
7 Hutzenbiler, and the law firm of Robblee Detwiler & Black, arguing that Mr. Medlin, Mr.
8 Hutzenbiler, and the law firm represented him in matters that bore a “substantial relationship” to
9 this case. Dkt. 20. The motion was noted for consideration on Friday, May 20, 2016. *Id.*

10 Defendant Local 66 responded. Dkt. 24. Plaintiff filed a reply on Monday May 23,
11 2016. Dkt. 25. The Court considered all the pleadings filed, including Plaintiff’s reply, in the
12 May 26, 2016 decision. Dkt. 26.

13 Local 66 now asks the Court to reconsider the decision disqualifying its counsel, arguing
14 that it did not have an opportunity to respond to the contents of Plaintiff’s late filed reply and so
15 there are new facts and/or legal authority for the Court to consider. Dkt. 32. It also argues that
16 the Court committed manifest error in the decision and urges the Court to reverse the decision.
17 *Id.*

18 Local Rule W.D. Wash. 7(h)(1) provides: “[m]otions for reconsideration are disfavored.
19 The court will ordinarily deny such motions in the absence of a showing of manifest error in the
20 prior ruling or a showing of new facts or legal authority which could not have been brought to its
21 attention earlier with reasonable diligence.” Local Rule 7(h)(3) provides further that: “[n]o
22 response to a motion for reconsideration shall be filed unless requested by the court. No motion
23 for reconsideration will be granted without such a request.”
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1 Plaintiff should be given an opportunity to reply to Local 66's motion for reconsideration.
2 Such a response, if any, should be filed on or before June 15, 2016. Local 66's reply, if any,
3 should be filed by June 17, 2016. The motion for reconsideration should be renoted for June 17,
4 2016.

5 Therefore, it is hereby **ORDERED** that:

- 6 • Defendant International Association of Sheet, Metal Air, Rail, and Transportation
7 Workers Local 66's Motion to Reconsider the Court's May 26, 2016 Order
8 Granting Plaintiff's Motion to Disqualify (Dkt. 32) is **RENOTED** to June 17,
9 2016; and
- 10 • Plaintiff's response, if any, should be filed on or before **June 15, 2016**, and Local
11 66's reply, if any, should be filed on or before **June 17, 2016**.

12 The Clerk is directed to send uncertified copies of this Order to all counsel of record and
13 to any party appearing *pro se* at said party's last known address.

14 Dated this 10th day of June, 2016.

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17 ROBERT J. BRYAN
18 United States District Judge
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